



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.06.1995
COM(95) 286 final

95/ 0028 (SYN)

Amended proposal for a
COUNCIL REGULATION (EC)

on the safety management of ro-ro passenger vessels

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

During its 12-16 June session, the European Parliament approved, subject to a number of amendments, the Commission proposal for a Council Regulation on the safety management of Ro-Ro passenger ferries¹.

The Economic and Social Committee expressed its opinion on 31 May 1995².

Most of the amendments adopted by the Parliament do not affect the purpose of the draft regulation, rather they enhance the expected effectiveness of certain provisions or clarify them. Several amendments were accepted without reservation, some others were accepted in substance, and subject to redrafting,

The Commission could however not accept:

- some amendments introducing new recitals since they refer to matters outside the scope of this Regulation or became superfluous in the light of the redrafted proposals,
- the amendment to Article 7 since the initial text proposed by the Commission is a general safeguard clause. The new text proposed by the Parliament could prejudice the right to impose conditions to resume the service,
- the amendment to add a new Article 9A. Such an addition is unnecessary and interferes with the responsibilities of the Member States.

¹ Com (95) 28 final

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Amended proposal for a
Council Regulation
on the safety management of ro-ro passenger vessels

-----Original text-----	-----Amended text-----
	<p>Recital 2bis (new)</p> <p><u>Whereas this represents one of a series of measures to improve safety at sea</u></p>
	<p>Fifth Recital (new)</p> <p><u>Whereas only a uniform and coherent implementation of the International Safety Management Code in all Member States can constitute a step towards the safety management of Ro-Ro passenger vessels;</u></p>

Article 2

For the purpose of this Regulation and of the ISM Code,

"Ro-Ro ferry" means a seagoing passenger vessel with arrangements to enable road and rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;

"Company" means the owner of a Ro-Ro ferry or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the Ro-Ro ferry from the owner;

...
...

"Safety Management Certificate" means the certificate issued to Ro-Ro ferries in conformity with this Regulation;

Article 2

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"Ro-Ro ferry" means a seagoing passenger vessel with arrangements to enable road and rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;

"Regular service" means a series of Ro-Ro ferry voyages operating so as to serve traffic between the same two or more points either:

- i) according to published timetable, or
- ii) with voyages so regular or frequent that they constitute a recognisable systematic series;

"Company" means the owner of a Ro-Ro ferry or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the Ro-Ro ferry from the owner;

...
...

"Safety Management Certificate" means the certificate issued to Ro-Ro ferries in conformity with this Regulation;

"Sheltered waters" means areas with annual probability smaller than 10% of exceeding 1.5 m significant wave height, in the course of which a Ro-Ro ferry is at no time more than 6 miles from a place of refuge, where shipwrecked persons can land.

Article 4

All Companies shall comply with all the provisions of paragraphs 1.2 to 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, as a condition to provide regular services to or from a port of the European Community.

Article 4

1. All Companies shall comply with all the provisions of paragraphs 1.2 to 13.5 of the ISM Code, as if the provisions were mandatory, as a condition to provide regular services to or from a port of the European Community.

2. By derogation, the provision of the previous paragraph may not apply until 1 July 1997 to Companies operating one or more Ro-Ro vessels on a regular service exclusively on sheltered waters between ports situated in the same Member State.

Article 5

1. Member States shall comply with the provisions of items 13.2, 13.4 and 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, in relation to Companies and Ro-Ro ferries.

2. For the purposes of this Regulation, Member States may only authorise, or rely upon, fully or in part, a Recognised Organisation.

3. For the purposes of paragraph 13.2 of the ISM Code as amended hereby, a Document of Compliance issued by the authorities of a Member State in the territory of which a Company conducts its business or by a Recognised Organisation acting on their behalf shall be accepted by other Member States.

4. For the purposes of paragraph 13.5 of the ISM Code, as amended hereby, a periodical verification shall take place at least once every year.

Article 5

1. Member States shall comply with the provisions of items 13.2, 13.4 and 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory in relation to Companies and Ro-Ro ferries.

2. For the purposes of this Regulation, Member States may only authorise, or rely upon, fully or in part, a Recognised Organisation.

3. For the purposes of paragraph 13.2 of the ISM Code as amended hereby, a Document of Compliance issued by the authorities of a Member State in the territory of which a Company conducts its business or by a Recognised Organisation acting on their behalf shall be accepted by other Member States.

4. The document of compliance shall only be valid for 5 years from the date of its issue provided always that a verification shall take place once every year in order to confirm the proper functioning of the Safety Management System and to confirm that possible modifications introduced since the latest verification satisfy the provisions of the ISM Code.

5. The Safety Management certificate shall only be valid for 5 years from the date of its issue provided always that a verification shall take place once every year, in order to confirm the proper functioning of the safety management System and to confirm that possible modifications introduced since the latest verification satisfy the provisions of the ISM Code.

	<p style="text-align: center;">Article 7a (new)</p> <p><u>In order to take account of the general terms of the "ISM Code" , the Commission shall examine the implementation of this regulation after three years of its entry into force and propose any appropriate measure.</u></p>
<p style="text-align: center;">Article 8</p> <p>In order to take account of developments at international level</p> <p>(1) the definition of "ISM Code" in article 2, (2) the Annex, (3) the definition of "Recognised Organisation" in article 2,</p> <p>may be amended , in particular to introduce into the Annex guidelines for Administrations for the implementation of the ISM Code, in accordance with the procedure laid down in article 9 paragraph 2.</p>	<p style="text-align: center;">Article 8</p> <p>In order to take account of developments at international or <u>European Community level including the results of the above-mentioned monitoring of the ISM Code's implementation.</u></p> <p>(1) the definition of "ISM Code" in article 2, (2) the Annex, (3) the definition of "Recognised Organisation" in article 2,</p> <p>may be amended, in particular to introduce into the Annex the guidelines for Administrations for the implementation of the ISM Code, in accordance with the procedure laid down in Article 9, paragraph 2.</p>

Article 10

This Regulation shall enter into force on 1 January 1996. It shall be applicable as from 1 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Article 10

This Regulation shall enter into force on 1 January 1996. It shall be applicable as from 1 July 1996.

By way of derogation, this regulation shall not apply until 31 December 1997 to companies which are incorporated under Greek law, which have their principal place of business in Greece, and which operate ro-ro ferries registered in and flying the flag of Greece providing regular services exclusively between ports situated in Greece.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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